



General Assembly

January Session, 2009

Amendment

LCO No. 7264

HB0651607264HR0

Offered by:

REP. CANDELORA, 86th Dist.

To: Subst. House Bill No. 6516

File No. 229

Cal. No. 197

(As Amended)

"AN ACT ESTABLISHING MINIMUM RETAIL REFUND AND EXCHANGE POLICIES."

1 Strike subsection (b) of section 1 in its entirety and insert the
2 following in lieu thereof:

3 "[~~(a)~~] (b) No person engaged in trade or commerce who maintains a
4 physical retail location in this state, upon the return of goods
5 purchased from such person's [place of business] physical retail
6 location, shall refuse to accept the returned goods [immediately] with a
7 valid receipt and shall promptly issue the individual returning such
8 goods either a cash or credit refund of the purchase price or credit
9 towards the purchase of another item offered for sale at such person's
10 [place of business] physical retail location, provided such return is
11 made [within the period of time established by such person for the
12 acceptance of returned goods and provided further, such goods are
13 returned in a manner consistent with such person's conspicuously
14 posted refund or exchange policy. Any such person that utilizes an

15 electronic system to record, monitor and limit the number or total
16 dollar value of returns made by a consumer shall clearly indicate the
17 use of such system within such person's conspicuously posted refund
18 or exchange policy.] not later than thirty days after the date the
19 purchaser received such goods. The amount of any refund or credit
20 issued pursuant to this subsection may be reduced by the value of any
21 rebate issued in connection with such returned goods prior to such
22 goods being returned. If the individual returning such goods paid for
23 the goods with a check, a person issuing a refund check shall mail the
24 individual who returned the goods a check for the amount of the
25 refund not later than five business days after the check used to
26 purchase the goods clears."

27 Strike subsection (e) of section 1 in its entirety and insert the
28 following in lieu thereof:

29 "[~~(d)~~] (e) This section does not apply to: (1) Goods damaged by a
30 consumer, (2) books, magazines and other periodicals, (3) custom
31 made, special order, monogrammed or engraved items, (4) opened or
32 used software, compact discs, digital video discs or computer or video
33 games, (5) holiday-themed items, (6) perishable goods, including
34 readily perishable foods and beverages, [or] goods clearly marked as
35 nonreturnable pursuant to [such person's conspicuously posted refund
36 or exchange policy] a periodic final sale, (7) open, used or worn
37 personal products or other products used in a manner that would
38 prevent resale of such products due to hygienic concerns, (8) products
39 bundled with services, and (9) special event items."